



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-5171



July 21, 2004

LETTER OF DEFICIENCY #WSEB 04-094

Certified Mail# 7000 0600 0023 9933 0952

Timothy Peterson
Peterborough Oil Co.
P.O. Box 787
Leominster, MA 04153

Subject: Kingston - Public Water System: Mr. Mikes Mini Mart 13 (EPA# 1278140)

Dear Mr. Peterson:

The records of the Department of Environmental Services (DES) show that the Mr. Mikes Mini Mart 13 water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the PWS has **exceeded the maximum contaminant level (MCL) for Nitrate** of 10.0 mg/L, as defined in Env-Ws 316.01. The Q3-2004 sample result (11 mg/L), averaged with the confirmation sample result (11 mg/L), was 11 mg/L. Therefore, a violation has occurred. As a result, in accordance with Env-Ws 326.07, your sampling schedule has been modified to require quarterly monitoring for Nitrate through 2007.

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

1. **Immediately** cease use of the system's water for human consumption until the Nitrate violation is resolved. Alternate (*i.e.* bottled) water **must** be provided to your consumers; however, if bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
2. **Immediately** provide public notice of the exceedance following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice for as long as the exceedance occurs; and
3. **By July 30, 2004**, send written confirmation to DES that the system's water is not being provided for human consumption; and
4. **By August 13, 2004**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The

consultant should review all existing water quality data prior to making recommendations for correcting the MCL violation; and

5. **By September 21, 2004**, submit to DES the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. A maintenance schedule must be included if treatment is proposed. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
6. By the DES-approved correction date, correct the violation or install treatment as approved by DES. Notify DES in writing of the correction(s) taken; and
7. Sample in accordance with your new Master Sampling Schedule, which is enclosed. **(Please note you must now submit quarterly Nitrate samples.)**


In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Betsey McNaughten
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us, or Betsey McNaughten by phone at (603) 271-0659 or email at emcnaughten@des.state.nh.us should you have any questions about the requirements listed in this letter.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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Enc. Public Notice Template
 Master Sampling Schedule
 Nitrate Fact Sheet

cc: Gretchen R. Hamel, Administrator, DES Legal Unit (w/o enc.)
 Secondwind Water Systems, Inc. Sampling Agent
 Town of Kingston Health Officer (w/o enc.)
 Brian Kisiel, Geo Insight
 Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
 US EPA, Region 1 (w/o enc.)